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PATENT

Docket No. 2016-4010US

Express Mail Label No. TB608955523US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL (1.53(b))

ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Named Inventor(s)  
and Address(es):

JASON D. BANNAN-5713 Cedar Walk, No. 401, Centreville, Virginia 20121;  
KUMAR VISVANATHAN-450 East 63<sup>rd</sup> Street, Apt. 4H, New York, New York 10021; and  
JOHN B. ZABRISKIE-1385 York Avenue, New York, New York 10021

For:

PEPTIDES USEFUL FOR REDUCING SYMPTOMS OF TOXIC SHOCK SYNDROME  
AND SEPTIC SHOCK

Enclosed are:

85 page(s) of specification (71 pages of specification, 14 pages of Sequence Listing), 1 page(s) of Abstract, 12 page(s) of claims 1-49.

11 sheets of drawing       formal       informal

6 page(s) of unexecuted Declaration and Power of Attorney

Unsigned  
 Newly Executed  
 Copy from prior application

Deletion of inventors including Signed Statement under 37 C.F.R. § 1.63(d)(2)

Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the combined declaration and power of attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Microfiche Computer Program (Appendix)

\_\_\_\_\_ page(s) of Sequence Listing

computer readable disk containing Sequence Listing  
 Statement under 37 C.F.R. § 1.821(f) that computer and paper copies of the Sequence Listing are the same

- Claim for Priority
- Certified copy of Priority Document(s)
  - English translation documents
- Information Disclosure Statement
  - Copy of \_\_\_\_ cited references
  - Copy of PTO-1449 filed in parent application serial No. \_\_\_\_\_
- Preliminary Amendment
- Return receipt postcard (MPEP 503)
- Assignment Papers (assignment cover sheet and assignment documents)
  - A check in the amount of \$40.00 for recording the Assignment.
  - Assignment papers filed in parent application Serial No. \_\_\_\_\_
  - Certification of chain of title pursuant to 37 C.F.R. § 3.73(b).
- This is a [ ] continuation [ ] divisional [ X ] continuation-in-part (C-I-P) of prior application serial no. 09/168,303, filed October 7, 1998.
  - Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - A preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application.)
- The status of the parent application is as follows:
  - A Petition For Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_
  - A copy of the Petition for Extension of Time in the co-pending parent application is attached.
  - No Petition For Extension of Time and Fee therefor are necessary in the co-pending parent application.
- Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- Transfer the drawing(s) from the patent application to this application.
- Amend the specification by inserting before the first line the sentence:  
This is a [ ] continuation [ ] divisional [ ] continuation-in-part of co-pending application Serial No. \_\_\_\_\_ filed \_\_\_\_\_

## I. CALCULATION OF APPLICATION FEE (For Other Than A Small Entity)

|                           |              |      |                  |          | Basic Fee  |
|---------------------------|--------------|------|------------------|----------|------------|
|                           | Number Filed |      | Number Extra     | Rate     | \$760.00   |
| Total Claims              | 76           | -20= | 56               | x\$18.00 | \$1,008.00 |
| Independent Claims        | 13           | - 3= | 10               | x\$78.00 | \$ 780.00  |
| Multiple Dependent Claims |              |      |                  |          |            |
|                           | [ X ] yes    |      | Additional Fee = | \$260.00 |            |
|                           | [ ] no       |      | Add'l Fee =      | NONE     | \$ 260.00  |

Total: \$ 2,808.00

[ ] A statement claiming small entity status is attached or has been filed in the above-identified parent application and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed. Reduced fees under 37 C.F.R. § 1.9(F) (50% of total) paid herewith \$ \_\_\_\_\_

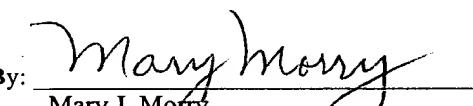
[ X ] A check in the amount of \$ 2,808.00 in payment of the application filing fees is attached.

[ ] Charge Fee(s) to Deposit Account No. 13-4500. Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

[ X ] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for filing this application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2016-4010US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN &amp; FINNEGAN, L.L.P.

Dated: June 18, 1999  
 By:   
 Mary J. Morry  
 Registration No. 34,398

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 Rev. 11/13/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : JASON D. BANNAN, ET AL.  
Serial No. : TBA Group Art Unit: TBA  
Filed : Herewith Examiner: TBA  
For : **PEPTIDES USEFUL FOR REDUCING SYMPTOMS  
OF TOXIC SHOCK SYNDROME AND SEPTIC SHOCK**

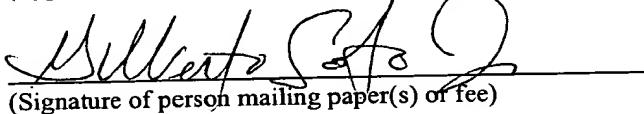
EXPRESS MAIL CERTIFICATEExpress Mail Label No.: TB608955523USDate of Deposit: June 18, 1999

I hereby certify that the following attached paper(s) or fee(s)

1. UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL (1.53(b))  
(2 copies) (3 pages), including check for filing fee of \$2,808.00
2. SPECIFICATION (total 85 pages) (71 pages of specification, 14 pages of Sequence Listing);  
ABSTRACT (1 page); CLAIMS (Claims 1-49) (12 pages)
3. INFORMAL DRAWINGS (Figures 1-11) (11 sheets)
4. COMBINED DECLARATION AND POWER OF ATTORNEY (6 pages – unexecuted)
5. RETURN RECEIPT POSTCARD

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **Box: Patent Application**, Assistant Commissioner for Patents, Washington, D.C. 20231.

GILBERTO SOTO, JR.  
(Typed or printed name of person mailing paper(s) or fee)

  
(Signature of person mailing paper(s) or fee)

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Rev. 11/13/97